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ADVISORY CIRCULAR



DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
Washington, D.C.

FAR GUIDANCE MATERIAL

CARRIAGE OF CARGO IN RESTRICTED CATEGORY AIRCRAFT AND OTHER

Subject: SPECIAL PURPOSE OPERATIONS

1. PURPOSE. This advisory circular (AC) is to advise that the carriage of cargo in a restricted category aircraft is considered a restricted category special purpose operation and provides procedures for designating other special purpose operations under Federal Aviation Regulation (FAR) 21.25(b)(7).

2. INFORMATION. Types of restricted category special purpose operations are listed in FAR 21.25, which also provides in FAR 21.25(b)(7) for other special purpose operations as specified by the FAA Administrator. The carriage of cargo in restricted category aircraft has been authorized on a case by case basis in the past. However, the procedures related to issuance of the type certificates and airworthiness certificates for that purpose have never been published in the AC system. By this AC, therefore, carriage of cargo is specified as a special purpose operation under FAR 21.25(b)(7). This AC also provides guidance for issuance of type and airworthiness certificates for that purpose, and any other special purpose proposed by an applicant.

3. GENERAL.

a. A person who applies for a restricted category type certificate for any special purpose operation should be aware that the operating limitations imposed on restricted category aircraft by FAR 91.39, among other things, prohibit the carriage of persons or property for compensation or hire, and restrict the areas and airports where restricted category aircraft may be operated. It should be recognized, therefore, that the strict limitations imposed on restricted category aircraft severely limit their practical usage, especially for the special purpose of carrying cargo.

b. The only operations falling within the restricted special purpose category are those items specifically listed in FAR 21.25(b)(1) through (6), plus further categories established under (b)(7) after public notice and comment procedures. Proposals for establishing new special purpose operations under FAR 21.25(b)(7) should be submitted to the FAA, 800 Independence Avenue, S.W., Washington, D. C. 20591, Attention: Aircraft Manufacturing Division, AWS-200, and should include information, views and arguments to substantiate

Initiated by: AWS-200

that permitting the proposed operation would be in the public interest and safety would not be compromised. The proposal will be published in the Federal Register and final action will be taken after evaluation of comments received.

4. PROCEDURE.

a. Type Certification. A restricted category type certificate is a prerequisite to issuance of a restricted airworthiness certificate for an individual aircraft. Application for a type certificate should be made on FAA Form 8110-2, APPLICATION FOR TYPE CERTIFICATE, PRODUCTION CERTIFICATE, OR SUPPLEMENTAL TYPE CERTIFICATE, and submitted to the Engineering Division or Branch in the FAA Regional Office of the region in which the applicant is located.

(1) An aircraft previously type certificated in one of the standard categories may be type certificated in the restricted category under FAR 21.25(a)(1), even though the applicant's aircraft may meet all of the requirements for a type certificate in another category, and no modifications to the aircraft are needed to accomplish the special purpose. When modifications to the aircraft are required for the special purpose, the certification basis for approval of the modifications would be the CAR/FAR applicable to the original type certification of the aircraft, except that the FAA certificating office may waive such of the basic airworthiness requirements as may be considered inappropriate for the special purpose. The decision to waive any of the basic airworthiness requirements is to be judged on the basis that operation of the aircraft under the waivers and under the limitations of FAR 91.39, plus any other operating limitations the type certificating office deems appropriate, will not adversely affect public safety.

(2) The type certification process for surplus aircraft of the U.S. Armed Forces under FAR 21.25(a)(2) would include an FAA evaluation of the military safety record of the aircraft model. An aircraft that has been declared unairworthy by the military is not eligible for certification in any category. The certification basis for approval of modifications to a military surplus aircraft that was never type certificated in any category would be the FAR applicable to the size of the aircraft (i.e., FAR 23 or FAR 25) and a showing by the applicant in accordance with FAR 21.25(a) that no feature or characteristics of the aircraft makes it unsafe when it is operated under the limitations prescribed for its intended use.

(3) The FAA certificating office may also consider the hazardous materials regulations in 49 CFR, Part 175, and in particular Section 175.320 "Cargo-only Aircraft; only means of transportation" when processing an application for the special purpose of carriage of cargo. If the applicant cannot specify that he will not be carrying hazardous materials in his cargo operations, or the applicability of Part 175 with respect to modifications that may be required is not evaluated during the type certification process, the certificating office would include the following limitation in the type certificate: "Carriage of hazardous materials is prohibited unless compliance is shown with applicable regulations in Code of Federal Regulations Title 49, Part 175.

b. Airworthiness Certification. An application for an airworthiness certificate for an aircraft that has been type certificated in the restricted category is made on FAA Form 8130-6, APPLICATION FOR AIRWORTHINESS CERTIFICATE, which may be submitted to any FAA field office. In processing an application for a restricted airworthiness certificate for the special purpose of carriage of cargo, the FAA certificating inspector will place emphasis in the following areas:

(1) An aircraft issued a restricted category type certificate under FAR 21.25(a)(1) must conform to the type design approved under the category for which the aircraft was previously certificated, and to the type design for the restricted category modifications made to the aircraft. If no modifications had been made to the aircraft, and the aircraft was previously certificated in the standard category, it must be shown by the applicant to be in condition for safe operation and to conform to the type design for the standard category, unless the restricted category type design data specifies those airworthiness requirements that have been found inappropriate for the special purpose.

(2) For a surplus military aircraft, FAR 21.185(b) requires the FAA to make a finding that the aircraft is in a good state of preservation and repair and in condition for safe operation. In making this finding, the certificating inspector will require any degree of tear-down for inspection, or search of aircraft records that is found necessary to establish the condition of the aircraft and the aircraft systems that are subject to deterioration over a long period of storage. The inspection of the aircraft may be accomplished in conjunction with the type certification process.

(3) In the case of an aircraft that was previously type certificated in the standard category, and is to be returned to the standard category after operation in the restricted category, the certificating inspector will ensure that appropriate inspection requirements are included in the instructions for conversion of the aircraft back to standard configuration. The nature of cargo that may have been carried, the areas where the operations had been conducted, the surface conditions of the airports that had been used, and whether the aircraft had been operated at weights over those approved for the standard category would all be factors to consider in developing an inspection program that would determine whether structural damage or damage due to corrosion caused by the kind of cargo carried or areas of operation had occurred. Engineering assistance may be required and requested if deemed necessary by the certificating inspector.

(4) A restricted category aircraft may not be operated over any foreign country without the special permission of that country, since such aircraft may not meet the International Civil Aviation Organization Airworthiness Code, Annex 8. To ensure that foreign civil air authorities are aware of the status of restricted category aircraft exported to their countries, the following note will be placed under "exceptions" on all Export Certificates of Airworthiness, FAA Form 8130-4, issued for restricted category aircraft: "This Aircraft is type certificated in the restricted category and may not meet the applicable airworthiness code as provided by Annex 8 to the Convention on International Civil Aviation."

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c. Operations. The operating limitations in FAR 91.39(d) may be waived following evaluation of the proposed operations by the FAA. Application for a waiver is made on FAA Form 7711-2, APPLICATION FOR CERTIFICATE OF WAIVER OR AUTHORIZATION, which may be submitted to the FAA region having jurisdiction over the area in which the applicant plans to conduct the operations requiring a waiver. Each application for a waiver will be evaluated and processed on an individual basis by the appropriate FAA office, to determine whether:

(1) the operation with the additional flexibility permitted by the waiver and additional operating limitations applied (if any) will afford an equivalent degree of public safety to that resulting from the operation of standard category aircraft; and,

(2) based on individual circumstances, appropriate operating limitations and a specific date of expiration for the waiver consistent with completion of the special purpose operation should be prescribed.

d. Maintenance. Restricted category aircraft are not excluded from meeting any applicable maintenance requirements of FAR Parts 43 and 91, including the accomplishment of Airworthiness Directives. The FAA region in which a restricted category aircraft is being operated will take appropriate administrative or legal enforcement action whenever a deviation from these requirements is discovered.

e. Airworthiness Certificates. The FAA region in which restricted category aircraft are being operated has authority, under FAR 13.19, in the interest of safety and the public interest, to amend airworthiness certificates as a result of reinspection or investigation of individual circumstances related to restricted category operations.



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Director of Airworthiness